

HPS-76

April 29, 2005

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**C.A. No. 05-1670**

UNITED STATES OF AMERICA

v.

ALEXIS TELESFORD

(D. Dela. Crim. No. 89-CR-00049)

Present: CHIEF JUDGE SCIRICA, WEIS and GARTH, CIRCUIT JUDGES

Submitted is Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); in the above-captioned case.

Respectfully,  
Clerk

**ORDER**

The foregoing application for a certificate of appealability is denied. Telesford's 1997 § 2255 motion challenged the same conviction as his current motion and was an adjudication on the merits for the purpose of rendering subsequent petitions second or successive. See Villanueva v. United States, 346 F.3d 55, 61 (2d Cir. 2003), cert. denied, 124 S. Ct. 2895 (2004). Under 28 U.S.C. § 2244, Telesford is required to obtain this Court's authorization before filing a second or successive § 2255 motion. Absent such authorization, the District Court lacked jurisdiction to address Telesford's motion and, thus, was required to dismiss it. See Robinson v. Johnson, 313 F.3d 128, 138 (3d Cir. 2002). Accordingly, the District Court was correct to dismiss Telesford's current motion.



By the Court,

s/Weis

United States Circuit Judge

Dated: May 27, 2005

par/cc: Mr. A. T.

R.G.A., Esq.

*Marcia M. Waldron*

Marcia M. Waldron, Clerk